



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. : 40544.00301
Applicants : Gilchrist, et al.
Serial Number : 09/424,811
Title : Method of Producing Water-Soluble Glass Fibers
Filed : 30 November 1999
Art Unit : 1731

Charles N. Quinn
U.S.P.T.O. registration number 27,223
Fox Rothschild LLP
2000 Market Street, 10th Floor
Philadelphia, PA., 19103-3291
215-299-2135
215-299-2150 (fax)
cquinn@foxrothschild.com
Deposit Account 50-1943

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO PAPER DATED 9 JULY 2004

Dear Sir:

This is submitted in response to a paper from the primary examiner dated 9 July 2004 addressing an order from the Board of Patent Appeals and Interferences.

As background, applicant's counsel notes that this application had been received at the Board of Patent Appeals and Interferences on 25 March 2004. After review of the application, the Board determined that the application was not ready for docketing of the appeal and return the application file to the examiner.

(731)
fw

In the paper returning the file to the examiner for attention to certain procedural matters prior to docketing, the Board accurately recited a series of motions filed by applicants/appellants for extensions of time to submit a reply brief and for extensions of time to request an oral hearing. The Board further noted that a review of the electronic file wrapper revealed there had apparently not had been either a reply brief or a request for a oral hearing filed before the end of the requested extended time period expiring 29 September 2003. It was further noted that the examiner had not notified applicants/appellants in writing as to whether applicants/appellants' time extension motions had been granted. All of this was in the paper issued by the Board of Patent Appeals and Interferences dated 19 May 2004, a copy of which was forwarded to undersigned counsel for the applicants/appellants.

As observed by the Board, it is correct that applicants/appellants did not submit either a reply brief or a request for oral hearing on or before the requested time extension period expiring 29 September 2003. Accordingly, applicants/appellants cannot submit any evidence that a reply brief and request for oral hearing were timely submitted before expiration of such time extension.

Counsel for the applicants/appellants were instructed by applicants/appellants to refrain from filing a reply brief and to refrain from requesting a oral hearing shortly before closure of the requested timed extension period on 29 September 2003. Undersigned counsel for the applicants/appellants regrets the oversight of not informing the examiner that a reply brief and a request for an oral hearing would not be submitted.

In light of the foregoing, applicants/appellants respectfully submit pursuant to 37 CFR 1.193(b)(1) and 37 CFR 1.194(c) that this appeal should go forward before the

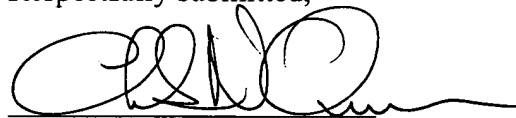
Board, with the appeal being decided on the basis of applicants/appellants appeal brief and the examiner's answer.

In accordance with the foregoing, we respectfully submit that the application file should be resubmitted to the Board of Patent Appeals and Interferences for the docketing and processing of this appeal.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to deposit account 50-1943.

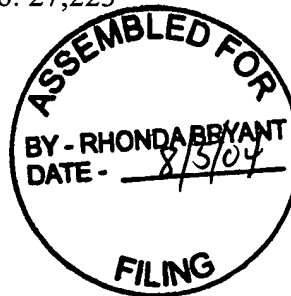
Respectfully submitted,

Date: 5 August 2004



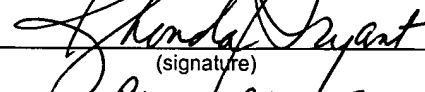
Charles N. Quinn
Attorney for Applicants/Appellants
Reg. No. 27,223

Fox Rothschild LLP
2000 Market Street
Tenth Floor
Philadelphia, PA 19103
Tel.: (215) 299-2135
Fax: (215) 299-2150
Email: cquinn@foxrothschild.com



CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


(signature)
BY: RHONDA BEVANT
DATE: AUGUST 5, 2004